

Date: 4 January 2022
Ref: 2021/00480/TDN/EH
e-mail: hco@brighton-hove.gov.uk

Dear Licenced Driver / Proprietor.

ADVICE NOTICE

The council is continuing to receive complaints about a small number of licenced drivers that are repeatedly sitting at the front of Brighton Train Station on Zig Zags, Double Yellow lines, Loading Bays and Bus Stops in contravention of the Traffic Signs Regulations and General Directions 2002 (updated 2016)

Zig Zags

No stopping is allowed on a zebra or pedestrian crossing including the area marked by zig zag lines. There is no exemption for loading or unloading, or for picking up or setting down passengers. Those that do risk both a fine and penalty points on their DVLA licence.

Double Yellow Lines

Whilst you're not allowed to park on double yellow lines you are permitted to set down or pick up passengers. If you're in a hackney carriage licenced vehicle and you're flagged down, you may stop to pick up a passenger(s). You cannot sit and wait for passengers on a double yellow line. All pre-bookings must be directed to the pickup / drop off point at the north entrance (rear) of Brighton Station which is in the north end of the ground floor multi storey car park.

Loading Bays

The same rules apply for loading bays as they do for double yellow lines.

Bus Stops

Under the Traffic Signs Regulations and General Directions 2002 (updated 2016) a taxi which is stationary **only** for so long as may be reasonably necessary for a passenger to board or alight and to load or unload any luggage of the passenger may stop in a bus stop.

Also, if no alternative stopping is available there is a local agreement that disabled passengers can be picked up or dropped off here in exceptional circumstances for so long as may be reasonably necessary.

Hackney Carriage drivers who have paid for a permit from Govia Thameslink Rail are permitted to use the taxi rank provided by GTR at the north entrance of Brighton Train Station. You cannot enter this area unless you have a permit.

Hackney Carriages can be flagged down if passing, but they cannot wait or tout and must return to a council-appointed rank in accordance with the byelaws,

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The byelaws under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875 with respect to hackney carriages in the Brighton & Hove Council area. Byelaw 7(a) states:

The driver of a hackney carriage shall, when plying for hire in any street and not actually hired: -

- (a) proceed with reasonable speed to one of the stands appointed by the Council which that hackney carriage is permitted to use.
- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand which that hackney carriage is permitted to use.

We would like to remind drivers and proprietors that under the Local Government (Miscellaneous Provisions) Act 1976 the council has powers to issue and manage taxi licences. We also have a duty under this act to ensure only fit and proper persons hold a licence

As the correct test is that a driver must be a fit and proper person – we consider a range of issues which might bring this into question.

We are in receipt of several complaints relating to contraventions of the above matters. I must warn you that any licenced driver, witnessed by a Police Officer, Taxi Licensing Enforcement Officer, a civil enforcement officer, CCTV operator or evidence provided by a member of the taxi trade or the public will be investigated, and this may involve CCTV being downloaded from a licenced vehicle to prove or disprove any offence at the proprietor's expense.

This may include the driver's licence being revoked, suspended, or not renewed. Where a breach of the byelaws is committed the Council may also take formal action through the courts where, if found guilty, a driver could be liable, to a fine of up to level 2 (currently £500).

Drivers are reminded in all cases the licence holder must within 3 days disclose to the Council the details of any fixed penalty notice imposed upon him or her. Failing to disclose will be regarded as a serious breach of the terms of the license and action will normally take place. Fixed Penalty covers endorsable and non-endorsable fines.

If you are a licenced driver that is stopping at the front of Brighton Station looking to be hired, then please stop this practice immediately, whilst we sympathise with the financial stress brought about by the pandemic, we cannot allow this practice to continue.
You must abide by the rules and conditions of your licence and the legislation as set by parliament.

Yours sincerely



Jim Whitelegg
Regulatory Service Manager



Cllr. Steve Davis
Deputy Chair of the Licencing
Committee